

Attorney Docket: 030708
U.S. Application No.: 10/741,512 Examiner: LE Art Unit: 2139
Response to February 4, 2008 Office Action

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REMARKS

In response to the Office Action dated February 4, 2008, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 1-8, 11-29, 31-50, and 52-63 are pending in this application. Claims 9-10, 30, and 51 were previously canceled without prejudice or disclaimer.

Rejections under § 101

The Office rejected claims 1-8, 11-29, and 31-42 under 35 U.S.C. § 101 for allegedly claiming non-statutory subject matter. Independent claims 1 and 22 have been amended, so the Office is respectfully requested to re-examine these claims in their current form.

Rejections under § 112

The Office rejected claims 22-29 and 31-42 under 35 U.S.C. § 112, first paragraph, for allegedly failing the written description requirement. "To comply with the written description requirement ..., each claim limitation must be expressly, implicitly, or inherently supported in the originally filed disclosure." Department of Commerce, Manual of Patent Examining Procedure § 2163 (II) (3) (b) (Rev. 1, Feb. 2003) (hereinafter "M.P.E.P.").

The Office, in particular, asserts that many means-plus-function claim features are not supported by the specification. The Assignee, very respectfully, disagrees and strongly asserts that each claim feature is supported by the as-filed specification. Independent claim 21, for example, finds ample support in the as-filed specification. Paragraph [0007], for example, discusses "specifying settings" and paragraph [0050] discusses "locally controlling" access to a computer. Paragraph [0006] discusses "collecting information" and "compiling information." All features of every claim are amply supported by the as-filed specification. The Assignee thus respectfully requests removal of the § 112 written description rejection.

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Rejection of Claims Under § 102 (e)

The Office rejects claims 1-5, 15-19, 22-26, 36-40, 43-47, and 57-61 under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent Application Publication 2004/0003279 to Beilinson, *et al.* A claim, however, is anticipated only if each and every element is found in a single prior art reference. *See Verdegaaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d (BNA) 1051, 1053 (Fed. Cir. 1987). *See also* DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2131 (orig. 8th Edition) (hereinafter "M.P.E.P.").

These claims, however, are not anticipated by *Beilinson*. These claims recite, or incorporate, many features that are not disclosed or suggested by *Beilinson*. Independent claim 1, for example, recites "*intercepting a message for opening a window associated with a requested computer application, the message intercepted before receipt thereof by an operating system.*" Independent claim 1 also recites "*comparing the requested computer application to the list of restricted computer applications.*" Independent claim 1 also recites "*when the requested computer application is matched to the list of restricted computer applications, then ... prohibiting opening the window associated with the requested computer application, thus terminating the requested computer application.*" Support for such features may be found at least in the as-filed application at paragraphs [0061] and [0062]. Independent claim 1 is reproduced below, and independent claims 22 and 43 recite similar features.

1. A system for controlling computer access, comprising:

a control unit installed on a computer to control access to use of the computer according to settings specified by an administrator for at least one user of the computer, wherein the administrator can input changes to the settings locally to the computer and remotely from the computer on another computer to which the settings do not apply;

means for storing a list of restricted computer applications;

means for intercepting a message for opening a window associated with a requested computer application, the message intercepted before receipt thereof by a operating system;

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means for comparing the requested computer application to the list of restricted computer applications;

when the requested computer application is matched to the list of restricted computer applications, then means for prohibiting opening the window associated with the requested computer application, thus terminating the requested computer application; and

a reporting unit installed on the computer to collect information from the computer on which local computer applications the respective user is attempting to access on the computer, the information being compiled in a report regarding the respective user, the report being made accessible to the administrator from a remote database.

Beilinson does not anticipate all these features. *Beilinson* restricts a user's access to specific computer functions. See U.S. Patent Application Publication 2004/0003279 to *Beilinson, et al.* at paragraph [0009]. *Beilinson* discloses user settings that may be established by an administrator. See *id.* at paragraphs [0007] – [0009]. Reports may be generated that describe user activity, system usage, function usage, duration, and allowable hours of operation. See *id.* at paragraphs [0010], [0021], [0045], and [0049] – [0052]. *Beilinson* even explains that a content rating of a requested function may be considered before granting or denying the request. An example is provided of obtaining a content rating for a computer game that is being attempted to be accessed by a user. See *id.* at paragraph [0058].

Still, though, *Beilinson* does not anticipate independent claims 1, 22, and 43. *Beilinson* fails to teach or suggest “*intercepting a message for opening a window associated with a requested computer application, the message intercepted before receipt thereof by an operating system.*” The published application to *Beilinson, et al.* also fails to teach or suggest “*comparing the requested computer application to the list of restricted computer applications.*” The published application to *Beilinson, et al.* also fails to teach or suggest “*when the requested computer application is matched to the list of restricted computer applications, then ... prohibiting opening the window associated with the requested computer application, thus terminating the requested computer application.*” The published application to *Beilinson, et al.*, then, cannot anticipate independent claims 1, 22, and 43.

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Claims 1-5, 15-19, 22-26, 36-40, 43-47, and 57-61, then, cannot be anticipated by *Beilinson*. Independent claims 1, 22, and 43 recite many features that are not disclosed or suggested by *Beilinson*. The respective dependent claims incorporate these same features and recite additional features. Claims 1-5, 15-19, 22-26, 36-40, 43-47, and 57-61, then, cannot be anticipated, so the Office is respectfully requested to remove the § 102 (e) rejection of these claims.

Rejection of Claims Under § 103 (a) over *Beilinson & Mathew*

The Office rejected claims 6-8, 11, 20-21, 27-29, 31-32, 42-42, 48-50, 52-53, and 62-63 under 35 U.S.C. § 103 (a) as being obvious over *Beilinson* in view of U.S. Patent Application Publication 2004/000307 to Mathew, *et al.*

These claims, however, cannot be obvious over the proposed combination of *Beilinson* and *Mathew*. These claims depend, respectively from one of independent claims 1, 22, or 43. These claims, then, incorporate the same distinguishing features and recite additional features. As the above paragraphs explained, *Beilinson* fails to teach or suggest many features recited by independent claims 1, 22, or 43, and *Mathew* does not cure these deficiencies. *Mathew* describes a history summary report that tracks a user's online and offline activities. Still, though, the combined teaching of *Beilinson* and *Mathew* fails to teach or suggest "*intercepting a message for opening a window associated with a requested computer application, the message intercepted before receipt thereof by an operating system.*" The combined teaching of *Beilinson* and *Mathew* also fails to teach or suggest "*comparing the requested computer application to the list of restricted computer applications.*" The combined teaching of *Beilinson* and *Mathew* also fails to teach or suggest "*when the requested computer application is matched to the list of restricted computer applications, then ... prohibiting opening the window associated with the requested computer application, thus terminating the requested computer application.*" The combined teaching of *Beilinson* and *Mathew*, then, cannot obviate claims 6-8, 11, 20-21, 27-29, 31-32, 42-42, 48-50, 52-53, and 62-63. The Office is respectfully requested to remove the § 103 (a) rejection of these claims.

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The Office rejected claims 12-13, 33-34, and 54-55 under 35 U.S.C. § 103 (a) as being obvious over *Beilinson* in view of *Mathew* and further in view of U.S. Patent 6,405,318 to Rowland.

Again, though, these claims cannot be obvious over the proposed combination of *Beilinson, Mathew, and Rowland*. These claims depend, respectively from one of independent claims 1, 22, or 43. These claims, then, incorporate the same distinguishing features and recite additional features. As the above paragraphs explained, both *Beilinson* and *Mathew* fail to teach or suggest many features recited by independent claims 1, 22, or 43, and *Rowland* does not cure these deficiencies. *Rowland* describes a "login anomaly detection function" that logs all logins and logouts. Still, though, the combined teaching of *Beilinson, Mathew, and Rowland* fails to teach or suggest all the features recited by independent claims 1, 22, or 43. The combined teaching of *Beilinson, Mathew, and Rowland*, then, cannot obviate claims 12-13, 33-34, and 54-55. The Office is respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claims Under § 103 (a) over *Beilinson, Mathew & Terry*

The Office rejected claims 14, 35, and 56 under 35 U.S.C. § 103 (a) as being obvious over *Beilinson* in view of *Mathew* and further in view of U.S. Patent Application Publication 2002/0026605 to Terry.

Again, though, these claims cannot be obvious over the proposed combination of *Beilinson, Mathew, and Terry*. These claims depend, respectively from one of independent claims 1, 22, or 43. These claims, then, incorporate the same distinguishing features and recite additional features. As the above paragraphs explained, both *Beilinson* and *Mathew* fail to teach or suggest many features recited by independent claims 1, 22, or 43, and *Terry* does not cure these deficiencies. *Terry* describes real-time detection of computer states, including start-up

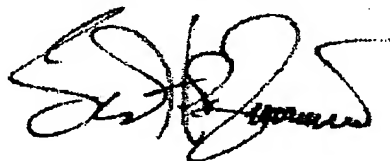
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files. Still, though, the combined teaching of *Beilinson*, *Mathew*, and *Terry* fails to teach or suggest all the features recited by independent claims 1, 22, or 43. The combined teaching of *Beilinson*, *Mathew*, and *Terry*, then, cannot obviate claims 14, 35, and 56. The Office is respectfully requested to remove the § 103 (a) rejection of these claims.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or scott@scottzimmerman.com.

Respectfully submitted,



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